

REMARKS

102 Rejections

Paragraph 5 of the above referenced office action states that Claim 1 is rejected under 35 U.S.C. § 102 as being clearly anticipated by Cote et al., U.S. patent No. 5,534,106 (hereafter Cote). Further, paragraph 7 of the above referenced office action states that a "region" as recited in the claims of the present invention is simply an area of the overall surface of the polishing pad, without structural boundary. Paragraph 7 states that as such, Cote anticipates the invention as claimed. Applicants have herein amended independent Claims 1 and 10 to more clearly point out aspects of present invention respect to the regions of the polishing pad. Applicants respectfully submits that the present invention as recited in newly amended Claims 1 and 10 is not anticipated within the meaning of 35 U.S.C. § 102 by Cote.

Specifically, with respect Claim 1,

a polishing surface of an overlying layer included in said polishing pad, said overlying layer being a uniform homogenous layer across the area of said polishing surface, said polishing surface adapted to frictionally contact a wafer in said wafer polishing machine;

Applicants respectfully submits that the present invention as recited in newly amended Claim 1 is not anticipated within the meaning of 35 U.S.C. § 102 by Cote. Applicants understand Cote to explicitly recite a polishing pad having an upper surface divided into a plurality of wedge shaped sections, including an abrasion section and a polishing section, wherein the abrasion section has a relatively rough texture and the polishing section has a relatively fine texture (Cote column 2, lines 49-60). Applicants respectfully assert that this is different from the present invention as recited in Claim 1.

As explicitly claimed, the polishing surface of the present invention has and overlying layer providing a uniform homogenous quality across the area of its polishing surface.

In addition, Applicants respectfully assert that, as recited in Claim 1, the first underlying layer and the second underlying layer achieve the first and second polishing effects respectively, not the surface layer. This is directly opposite the teaching of Cote.

Further, dependent Claim 3, for example, adds limitations describing the first and second underlying layers having “differing amounts of hardness when said wafer is frictionally moved against said polishing pad”. Cote does not show or disclose underlying layers having different hardness beneath a uniform homogenous overlying layer, wherein the underlying layers are adapted to achieve the specific polishing effect. As described above, Cote discloses a surface layer having two “wedge shaped sectors” of different hardness.
Applicants respectfully submit that a non-uniform surface layer having different hardness as opposed to underlying layers is different from the present invention as recited in Claim 1.

Additionally, dependent Claim 4, for example, adds limitations describing the first and second underlying layers “having differing amounts of thickness when said wafer is frictionally moved against said polishing pad” to achieve the specific polishing effect. Applicants respectfully submit that underlying layers having different thickness as recited in Claim 1 is not shown or suggested by Cote.

With respect to independent Claim 10, Claims 10 has been amended to include the limitations of Claim 1 regarding the overlying layer being a uniform homogenous layer. Accordingly, Applicants respectfully assert that the present invention as recited in each of independent Claim 10 is not anticipated by Cote within the meaning of 35 U.S.C. § 102(b).

103 Rejections

Paragraph 5 of the above referenced Office Action states that Claims 9 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cote et al. Cote does not disclose a linear pad as recited in dependent Claims 9 and 17. In addition to not showing a linear pad, Applicants respectfully submit that Cote does not show a polishing pad having a first and second underlying layer having differing hardness to achieve a specific first and second processing effect, as recited in base Claims 1 and 10. Cote does not show or disclose underlying layers having different hardness beneath a uniform homogenous overlying layer, wherein the underlying layers are adapted to achieve the specific polishing effect. As such, Applicants respectfully assert that the present invention as recited in dependent Claims 9 and 17 is not shown, suggested, or rendered obvious by Cote within the meaning of 35 U.S.C. § 103(a).

Paragraph 6 of the above referenced Office Action states that Claims 7 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cote et al.. in view of Neff, U.S. Patent No. 5,578,099. Applicants respectfully submit that the cited references, alone or in combination, do not show a polishing pad having a first and second underlying layer having differing hardness beneath a uniform homogenous overlying layer, wherein the

underlying layers are adapted to achieve the specific polishing effect, as recited in base Claims 1 and 10. As such, Applicants respectfully assert that the present invention as recited in dependent Claims 7 and 15 is not shown, suggested, or rendered obvious by Cote in view of Neff within the meaning of 35 U.S.C. § 103(a).

Since each dependent claim includes the limitations of the respective independent claim, Applicants respectfully submit that the dependent claims each overcome the rejections of record.

Conclusion

In light of the above-listed amendments and remarks, Applicant respectfully requests reconsideration of the rejected Claims. Claims 6 and 14 are canceled without prejudice. Independent Claims 1, 10 have been amended to overcome the 35 U.S.C. § 102 rejections based on Cote and the 35 U.S.C. § 103 rejections based on Cote, and on Cote in view of Neff. Accordingly, Applicants submit that Claims 1, 3-4, 7-10, 12, and 15-17 are now in condition for allowance.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Respectfully submitted,

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